IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DAVID H. PEASE, III, and : CIVIL ACTION NO. 4:10-CV-843

LISA PEASE,

: (Judge Conner)

Plaintiffs:

:

v.

•

LYCOMING ENGINES, :

:

Defendant :

MEMORANDUM

Presently before the court is Defendant Lycoming Engines' motion to amend order pursuant to 28 U.S.C. § 1292(b) (Doc. 163). The matter has been fully briefed and is ripe for disposition.

Title 28 of the United States Code, Section 1292(b) provides as follows:

(b) When a district judge, in making in a civil action an order not otherwise appealable under this section, shall be of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation, he shall so state in writing in such order. The Court of Appeals which would have jurisdiction of an appeal of such action may thereupon, in its discretion, permit an appeal to be taken from such order, if application is made to it within ten days after the entry of the order. *Provided*, *however*, That application for an appeal hereunder shall not stay proceedings in the district court unless the district judge or the Court of Appeals or a judge thereof shall so order.

Case 4:10-cv-00843-CCC Document 183 Filed 04/27/12 Page 2 of 3

The court has carefully reviewed the arguments of the parties and concludes

that an immediate appeal will not materially advance the ultimate termination of

the litigation. To the contrary, the court observes that the vast majority of pre-trial

work has been completed and that the trial of this matter can be accomplished with

dispatch, subject to standard scheduling issues. Although the instant case has been

on the court' docket for approximately two years, and before the undersigned for

approximately sixteen months, it involves an aviation accident that occurred nearly

seven years ago.

Given the age of the claim and the extensive pretrial preparation of the

parties, the Court will decline to amend it order of December 19, 2011. This matter

will be placed on the September trial list.

An appropriate order follows.

S/ Christopher C. Conner CHRISTOPHER C. CONNER

United States District Judge

United States District Judge

Dated:

April 27, 2012

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LYCOMING ENGINES, :

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Defendant :

ORDER

AND NOW, this 27th day of April, 2012, Defendant Lycoming Engines' motion to amend order pursuant to 28 U.S.C. § 1292(b) (Doc. 163) is DENIED. This matter shall be placed on the September trial list. Plaintiffs' motion for a scheduling conference (Doc. 181) is DENIED as moot.

S/ Christopher C. Conner CHRISTOPHER C. CONNER United States District Judge